

1 UNITED STATES DISTRICT COURT FOR THE
2 WESTERN DISTRICT OF PENNSYLVANIA

3 Wayne Pettaway,)

4 *Plaintiff,*)

5 v.)

6 Department of Corrections,)

7 *Defendants.*)
8)
9)

C.A. No. 16-5 Erie

ORDER ADOPTING THE REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE BAXTER

10 The Magistrate Judge issued a Report and Recommendation in this matter, recommending
11 that this Court dismiss this case on the grounds that Plaintiff has failed to prosecute his claims.
12 The record demonstrates that Plaintiff failed to pay the filing fee and did not request a leave to
13 proceed in forma pauperis. After reviewing the Report and Recommendation, the record, and all
14 other materials before the Court and finding no objection, it is hereby ordered that:
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- 16 (1) The Report and Recommendation is adopted;
17 (2) Plaintiff's Complaint shall be DISMISSED for failure to prosecute; and
18 (3) The Clerk of the Court shall send copies of this Order to Plaintiff.

19 **IT IS SO ORDERED.**

20 DATED this 2nd day of May 2016.
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BARBARA J. ROTHSTEIN
24 UNITED STATES DISTRICT JUDGE
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